If the Commission denies Qwest's request for clarification and determines that the *Order* intended to impose the 90-day default provisioning interval in the absence of an affirmative ruling on an SGAT amendment, Qwest requests reconsideration of that aspect of the *Order*.

As discussed above, section 252(f)(3) makes an incumbent's SGAT effective after 60 days, regardless of whether the state commission has issued an affirmative ruling or instead simply let the SGAT take effect automatically.²¹ Therefore, treating an amended SGAT as *ineffective* in the absence of an affirmative ruling would be inconsistent with the statute. In addition, section 252's establishment of negotiation and arbitration processes precludes the Commission from imposing any interconnection obligation as an absolute requirement.²² But if the *Order* imposed the 90-day provisioning interval irrespective of an incumbent's submission of an SGAT documenting the need for an alternative interval, it would render the negotiation and arbitration processes moot. Reading the *Order* to allow an incumbent to adhere to a longer provisioning schedule after filing an adequately supported SGAT therefore is necessary under section 252.

Moreover, if the *Order* were read to assert that a 90-day provisioning interval *invariably* can be met, there is no support in the record for such an assertion. As the attached declaration of Georganne Weidenbach demonstrates, Qwest's ability to provision collocation space within 90 days depends on accurate demand forecasts and is dramatically affected when a CLEC request necessitates extensive conditioning of space or construction of an adjacent vault.

²¹ See 47 U.S.C. 252(f)(3).

²² See id. §§ 252(a), (b).

The statement in the *Order* that the default 90-day interval "exceeds the interval U S WEST [now Qwest] has committed itself to achieve for cageless physical collocation" is based on an incorrect understanding of Qwest's internal policy. Qwest has entered into *some* agreements with CLECs that commit Qwest to provision space within 45 or 90 days, because those agreements also require CLECs to provide Qwest with long-term forecasts of demand. Such forecasting requirements are critical to Qwest's willingness to commit to short provisioning intervals. Absent such forecasts, Qwest cannot make advance preparations for provisioning collocation space and therefore cannot ensure compliance with a 90-day provisioning commitment. Thus, an absolute requirement to provision collocation space within 90 days—which the *Order* would impose if not read as Qwest suggests in section I above — cannot be based on the assertion that Qwest already has adopted such a requirement for itself.

Finally, if the Commission interprets the *Order* as imposing a requirement to comply with the 90-day default interval even where an incumbent has already filed an SGAT justifying a longer interval, the Commission should create exceptions for situations where CLECs have not sufficiently forecast demand, or where extensive space reconditioning or construction of adjacent vaults are required. As the attached declaration of Georganne Weidenbach demonstrates, Qwest cannot comply with a 90-day deadline in such circumstances. It would be patently unreasonable for the Commission to penalize an incumbent LEC for failing to comply with the 90-day provisioning interval when the LEC (a) has taken all steps within its power to have an amended SGAT approved by the state commission, and (b) cannot possibly meet a CLEC's requirements within 90 days because of extensive construction requirements or other factors that it could not reasonably anticipate.

²³ Collocation Provisioning Order ¶ 27.

CONCLUSION

For the foregoing reasons, the Commission should clarify the Order by stating that an incumbent LEC that has filed an adequately documented SGAT amendment that includes a provisioning interval longer than 90 days may comply with that interval if the state commission declines to issue any ruling within 60 days of the filing of the amendment. In the alternative, the Commission should reconsider the decision to apply the 90-day interval in this circumstance.

Respectfully submitted,

Robert B. McKenna QWEST CORPORATION 1801 California Street, Ste. 5100 Denver, CO 80202 (303) 672-2861 William T. Lake
Matthew A. Brill
WILMER, CUTLER & PICKERING
2445 M Street, N.W.
Washington, D.C. 20037
(202) 663-6000

Counsel for Qwest Corporation

Before the Federal Communications Commission Washington, D.C. 20554

In the Matters of)	
Deployment of Wireline Services Offering Advanced Telecommunications Capability)	CC Docket No. 98-147
and)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996)))	CC Docket No. 96-98

Declaration of Georganne Weidenbach

- 1. My name is Georganne Weidenbach. I am employed by Qwest
 Communications International as a Network Planner, Strategist and Negotiator in the
 Technical Regulatory Interconnection Planning group. From 1996 to 1998, I served as
 the Lead Project Manager for Collocation and Interconnection for U S WEST, Inc.,
 before the merger of Qwest and U S WEST.
- 2. I have held numerous positions with Qwest and U S WEST, including managing the Design Services installation and repair dispatch center for the Local Network Organization. I have extensive Marketing, Public Policy and Engineering background, including the development of written methods and procedures for Design Services and Collocation applications.
- I hold a Bachelor of Science degree in business from Regis University at

 Denver.
- 4. I have reviewed the FCC's recent Collocation Order, and believe that the Order is deficient in three important respects:

- 1) Forecasting The Order fails to require CLECs to provide, or to permit ILECs to require CLECs to provide, timely and accurate forecasts of their collocation requirements. It instead leaves the issue of forecasting to each individual state. Forecasts are absolutely crucial in orderly administration of collocation provisioning.
- 2) Adjacent Collocation The Order, in rule §51.323(1), establishes a 90-day interval for Adjacent Collocation. Such a requirement is not supported by record evidence or the text of the Order, nor is a 90-day interval a reasonable requirement, given the work required.
- 3) Reconditioning of Space The Order requires incumbent LECs to complete the reconditioning of space as a part of the 90 day interval. This is an unreasonable requirement, given the amount of work required to recondition space, particularly since the FCC has not required CLECs to provide a forecast of their collocation requirements.

I will address each of the above issues in the following sections of this affidavit.

- 5. Forecasting. To achieve the 90-day intervals established in the Order for caged or cageless physical collocation, it is critical that incumbent LECs obtain accurate and timely forecasts from CLECs. Such forecasts are required to determine if sufficient space is available, and to pre-provision such infrastructure as power, air conditioning, lighting, and to recondition office space or remove unused, obsolete equipment if required. Such pre-provisioning is necessary, since such infrastructure cannot be completed within the 90-day interval between the receipt of an application by a CLEC and the turnover of space by Qwest.
- 6. For example, Qwest has approximately 1,400 central office locations, but more than two-thirds of these central offices have no collocation. Without forecasts, Qwest cannot reasonably be expected to predict when and if a request for collocation will arrive at one of the more than 900 central offices where no collocation has yet been requested. Nor can Qwest be expected to accurately predict the specific power, space,

and air conditioning needs for the collocation request of such a future CLEC application.

As a result, it is unreasonable to require Qwest to pre-provision the space, power, airconditioning, and other infrastructure in these locations for the possible arrival of a
collocator at some point in time in the future.

- 7. Forecasts are also an important tool in the hiring, training, and deployment of work force engaged in the various stages of collocation including feasibility studies, quotation development, and construction.
- 8. Adjacent Collocation. Adjacent collocation is required when space for physical collocation has been exhausted at a particular premise. In the context of an exhausted central office building, it is unreasonable to expect the construction of an adjacent structure (such as a building addition, controlled environmental vault, or other structure) within the 90-day interval. Because the Order grants CLECs the right to construct the adjacent structure, a typical process will involve first determining the amount of space required by the CLEC, a review of the plans for the site, including future construction plans, parking requirements, hoisting areas, existing cable vaults and cable runs. Once a general design has been established, a more detailed design must be prepared, and often bids will be required from multiple general contractors. Building permits may also be required from the local governmental agency. Actual construction of the adjacent structure, once permits have been obtained and a contractor is selected will also often require several months for excavation, drainage, construction of the structure, and the supporting infrastructure (power, lighting, etc.). Completion of all of this work, as well as the work required to permit the incumbent LEC to terminate the associated DC Power, and tie cables to the network, cannot generally be completed in a 90-day interval.

This is particularly unreasonable, as the FCC has granted to the CLEC the right to complete the majority of this work for adjacent collocation.

- 9. Reconditioning of Space. Reconditioning of space is required when a central office building has exhausted space, but the same central office has available administrative space that may be converted to central office space. Such conversion of administrative space to central office space is referred to as reconditioning space. A typical administrative space contains carpeted floors, desks, suspended ceilings, and associated lighting fixtures. Conversion of this space typically involves the hiring of an architect, who prepares drawings and detailed specifications, for the removal of the carpeting, ceiling, lighting fixtures, etc. as well as the construction of the new floor, the installation of new lighting fixtures, the installation of new electrical outlets, and the construction of new air conditioning venting (and cooling capacity, if required).
- 10. Once the specifications are completed, the drawings and specifications are submitted to general contractors through a request for bids, depending on the size of the job. Once the contractor is selected, the construction can begin.
- 11. All of the above generally require substantially more than 90 days for completion.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed this ____ day of October, 2000.

Georganne Weidenbach	
Georganne Weittenbach	

Fo Federal Communications Commission

The FCC Acknowledges Receipt of Comments From ... Qwest Corporation ...and Thank You for Your Comments

Your Confirmation Number is: '20001010036777' 1				
Date Received: Oct 10 2000				
Docket: 98-147				
Number of Files Transmitted: 1				
File Name	File Type	File Size (bytes)		
PETITION FOR RECONSIDERATION	Microsoft Word	53761		

Initiate a Submission Search ECFS Return to ECFS Home Page

FOC frome Page | Search | Commissioners | Bureaus Offices | Finding mio

updated 07/07/00

CERTIFICATE OF SERVICE

I, Ross Dino, do hereby certify that I have caused 1) the foregoing COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC. to be filed electronically with the FCC by using its Electronic Comment Filing System, 2) a paper and diskette copy of the COMMENTS to be served, via hand delivery, upon the entity listed on the attached service list (marked with a number sign), and 3) a courtesy paper copy of the COMMENTS to be served, via hand delivery, upon all other persons listed on the attached service list.

Ross	Dino	
Ross	Dino	

October 12, 2000

William E. Kennard
Federal Communications Commission
8th Floor
Portals II
445 12th Street, S.W.
Washington, DC 20554

Michael K. Powell
Federal Communications Commission
8th Floor
Portals II
445 12th Street, S.W.
Washington, DC 20554

Susan P. Ness Federal Communications Commission 8th Floor Portals II 445 12th Street, S.W. Washington, DC 20554

Michelle Carey, Chief
Policy and Program Planning Division
Federal Communications Commission
Portals II
445 12th Street, S.W.
Washington, DC 20554

Janice Myles
Policy and Program Planning Division
Federal Communications Commission
Portals II
445 12th Street, S.W.
Washington, DC 20554

Gloria Tristani Federal Communications Commission 8th Floor Portals II 445 12th Street, S.W. Washington, DC 20554

Harold Furchtgott-Roth
Federal Communications Commission
8th Floor
Portals II
445 12th Street, S.W.
Washington, DC 20554

Dorothy T. Attwood, Chief Common Carrier Bureau Federal Communications Commission 5th Floor Portals II 445 12th Street, S.W. Washington, DC 20554

Kathy Farroba, Deputy Chief Policy and Program Planning Division Federal Communications Commission Portals II 445 12th Street, S.W. Washington, DC 20554

Glenn Reynolds, Deputy Chief Common Carrier Bureau Federal Communications Commission 5th Floor Portals II 445 12th Street, S.W. Washington, DC 20554 #International Transcription Services, Inc. 1231 20th Street, N.W. Washington, DC 20036

(including 3x5 inch diskette w/cover letter)

CC96-98tt-el.doc Last Update: 10/12/2000

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that I have caused the foregoing **COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC.** to be filed with the

Secretary of the FCC, a copy to be hand served on the parties indicated with an asterik (*) and a copy to be served, via First Class United States mail, postage prepaid, on the remaining party listed on the attached service list.

Kelseau Powe, Jr.

April 23, 2001

*Janice Myles
Policy & Program Planning Division
Federal Communications Commission
Room 5-C327
Portals II
445 12th Street, S.W.
Washington, DC 20554

*International Transcription Services, Inc. 1231 20th Street, N.W. Washington, DC 20036 Andrew D. Lipman
Patrick J. Donovan
Swidler Berlin Shereff Friedman, LLP
Suite 300
3000 K Street, N.W.
Washington, DC 20007

CC01-77.doc Updated 4/23/2001

CERTIFICATE OF SERVICE

I, Beverly L. Harper-Jones, hereby certify that on this 2nd day of July 2001, I served copies of the foregoing by hand-delivery upon the following:

Paula Silberthau
Office of General Counsel
Administrative Law Division
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Office of General Counsel
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Linda Kinney

John Rogovin Office Of General Counsel Federal Communications Commission 445 12th Street, SW Washington, D.C. 20554 Brent Olson
Deputy Chief
Common Carrier Bureau
Policy & Program Planning Division
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Kimberly Cook Common Carrier Bureau Policy & Program Planning Division Federal Communications Commission 445 12th Street, SW Washington, D.C. 20554

Sonja Rifken
Office of General Counsel
Administrative Law Division
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Debra Weiner Assistant General Counsel Office of General Counsel Federal Communications Commission 445 12th Street, SW Washington, D.C. 20554

Beverly L. Harper-Jones